

# Shasta LAFCO

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## **Shasta Local Agency Formation Commission**

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### **DRAFT MINUTES**

#### **Regular Meeting – November 5, 2009**

(These minutes are not intended to be a verbatim transcription of the proceedings and discussion associated with the business on the Commission's agenda; rather, what follows is a summary of the order of business and general nature of testimony, Commission deliberation, and action taken.)

#### **CALL TO ORDER/ROLL CALL/INTRODUCTIONS**

Chairman Gover called the meeting to order at 9:00 am at the City of Redding Council Chambers, 777 Cypress Ave, Redding, CA. Commissioners Baugh, Dickerson, Farr, Fust, Gover, Haynes & Kehoe were present. Executive Officer Mickelson, Counsel Johnson and Clerk Smith were present as staff.

#### **PLEDGE OF ALLEGIANCE**

Commissioner Kehoe led the Pledge of Allegiance.

#### **PUBLIC COMMENT**

There was no public comment submitted.

#### **CHANGES OF ORGANIZATION AND/OR REORGANIZATION**

##### **LAFCO File #09-2, CSA #6 – Jones Valley (Elk Trail) Reorganization**

Ms. Mickelson presented the Commission with LAFCO File #09-02, CSA #6 – Jones Valley (Elk Trail) Reorganization. Shasta County submitted an application to LAFCO requesting initiation of proceedings for reorganization, seeking to annex 194 parcels (approximately 1,742 acres) into CSA #6 and concurrently detaching a portion of the proposal area from the Bella Vista Water District Sphere of Influence. The proposed reorganization was presented as a conditional proposal, pending subsequent Proposition 218 proceedings to fund necessary water system upgrades. The proposal area is generally located three miles north of Highway 299 on Dry Creek Road in the Bella Vista area. The project encompasses the Elk Trail East and West neighborhoods.

The annexation was proposed because a majority of the existing private wells in the project area fail to yield sufficient or quality potable water. This was an inhabited, non-100% consent application with

some affected agencies. Comments received from Bella Vista Water District (consenting to their Sphere amendment) and from the Shasta County Fire Department (supporting the proposal) were attached and incorporated herein. Several comments from affected property owners and residents were attached as well.

Commissioner Dickerson asked if there had been any opposition from any affected agencies. Ms. Mickelson responded that there had been no stated agency opposition, only support.

Commissioner Kehoe requested a presentation from Pat Minturn, Director of Public Works of Shasta County.

Mr. Minturn explained that this project has been a long time coming and County staff has been diligently working to get this project moving forward and at the place that it is today. There were two landowner straw polls conducted in the past three years, both which were supported by over 80% of landowners. The project is projected to cost 10 million dollars.

Approximately 3.5 - 6.5 million dollars is expected to be granted by various State and Federal funding sources. The State has committed to loan the remaining funds at 0% interest for 30 years. It is projected that with a best-case funding scenario, the total cost per parcel will be around \$20,000, which is approximately \$60 a month.

After, Mr. Minturn's presentation, Commissioner Farr asked upon what grounds a Commissioner would be able to vote no on the proposed project. Counsel Johnson stated that it has to do with the factors set forth in the Government Code in light of the evidence before the Commission today. If the majority of the factors are met by this proposal, then the Commission should approve the project. If not, then the Commission would need to deny the project, based on the factors provided.

Executive Officer Mickelson stated that those factors are delineated in the staff report per Government Code §56668. Ms. Mickelson then read the factors as mandated by Government Code §56668 at Commissioner Kehoe's request.

Commissioner Haynes asked when the process for Proposition 218 would begin and where the nine month time period comes from; as found on the page 4, section 14, of the application submitted to LAFCO.

Mr. Minturn stated that as of right now it is known when the process would begin. The nine month time period is needed to select & hire an engineer; as well as allowing time for the selected engineer to gather necessary information and prepare their report.

At 9:46 am, the Public Comment period was opened.

Ms. Kathy Jalquin opposed the project and did not agree with the studies that were done on the wells in the Elk Trail area.

At 9:53 am, the Public Comment period was closed.

By motion made and seconded (Kehoe/Haynes), the Commission unanimously approved the CSA #6 Jones Valley (Elk Trail) Reorganization, LAFCO file# 09-02, conditioned upon subsequent Proposition 218 proceedings, as recommended by staff.

## **OPERATIONS & ADMINISTRATION**

### **Consider Secondary Responses to Legal Request for Proposal**

At the October 1, 2009 LAFCO meeting, the Commission requested clarification on a few items regarding the provision for legal services proposed from John Kenney and Elizabeth Johnson. Specifically the issues of availability during Commission meetings and how that availability would be billed were at interest. The Commission reviewed the responses provided by both Mr. Kenney and Ms. Johnson. Discussion followed.

By motion made and seconded (Fust/Farr), the Commission approved contracting with Elizabeth Johnson for legal services. A contract will be negotiated and brought back to the Commission for approval.

### **Report on Shasta LAFCO Budget Notification Procedures**

Ms. Mickelson reported that during the 2009 Budget process, there was some confusion, and ultimately some mistakes made by LAFCO staff in regard to noticing the Draft & Final Budget. Staff has apologized publically for those issues and has offered assurance to the Commission that the errors will not be repeated. The Commission accepted that assurance and staff has implemented some changes to support that assurance.

At the October 1, 2009 LAFCO meeting, some members of special districts asked that those assurances be shared publically and therefore, the Commission asked that the item be placed on a future agenda.

Ms. Mickelson shared the changes that had been made to remedy the situation. (1) A goal to add every special district to our email agendas listing by the end of 2009. This increases the disbursement of our

agendas which contain pertinent information, such as the budget schedule. (2) The addition of the task of noticing special hearings and budget processes will be added to the Analyst's job description at her upcoming review and will be listed as a specific goal for attainment. (3) Perhaps, most importantly, a reminder system via Microsoft Outlook, that schedules the notifications via appointments.

Commissioner Haynes stated that she felt the situation had been sufficiently addressed.

Commissioner Farr disclosed that he had met with Phil Browning of Centerville CSD and David Coxey of Bella Vista Water District regarding this situation. He asked staff if LAFCO was required to mail the Draft & Final Budget and who receives agenda notices as well as full packets.

Ms. Mickelson stated that we are obligated to mail the Draft & Final Budget to the County, Cities and Special Districts. She stated that the agenda is sent to agencies who have requested such. Approximately 88% of the Special Districts receive LAFCO agendas either via e-mail or USPS. A lesser number of Special Districts receive full packets. The Draft and Final Budgets are also noticed in the Record Searchlight and the agenda is available on the LAFCO website.

Commissioner Baugh stated that mistakes happen, staff has acknowledged that & will work diligently follow policy & procedures.

Mr. Browning of Clear Creek CSD again stated that he did not receive a copy of the Draft Budget. He asked the Commission if they had received a copy of a letter addressed to Chairman Gover that he had dropped off at the LAFCO office two days prior to the August 6, 2009 meeting. The Commission assured Mr. Browning that they indeed did see a copy of the letter immediately after the August 6, 2009 meeting.

Commissioner Dickerson asked Special Districts give more consideration in regard to timing when submitting correspondence.

Mr. Coxey of Bella Vista Water District stated the he was concerned about the increase of LAFCO contributions over the years for BVWD.

The staff report was received and filed.

#### **COMMISSIONER ANNOUNCEMENTS**

Commissioner Farr reported on the CALAFCO conference that he recently attended in place of Ms. Mickelson. Commissioner Farr stated that that idea of a CALAFCO regional structure had not been acted upon at the conference.

Commissioner Haynes thanked the Alternate Commissioners for attending the LAFCO meetings.

**STAFF ANNOUNCEMENTS**

The next Special LAFCO Meeting will be held on Thursday, December 10, 2009 at the City of Redding.

**CLOSED SESSION**

None

**CLOSED SESSION REPORT**

None

**ADJOURNMENT**

There being no further business, Chairman Gover adjourned the meeting at 10:43 am.

Respectfully submitted,

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Jessica Smith  
Clerk to the Commission

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Date